

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

DEPARTMENT OF
TELECOMMUNICATIONS & ENERGY

ONE SOUTH STATION

BOSTON, MA 02110
(617) 305-3500

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

BETH LINDSTROM
DIRECTOR
OFFICE OF CONSUMER AFFAIRS
AND BUSINESS REGULATION

PAUL G. AFONSO
CHAIRMAN

JAMES CONNELLY, ESQ.
COMMISSIONER

W. ROBERT KEATING
COMMISSIONER

EUGENE J. SULLIVAN, JR.
COMMISSIONER

DEIRDRE K. MANNING
COMMISSIONER

PROCEDURAL MEMORANDUM

TO: D.T.E. 03-60 Service List (*via E-Mail and Regular Mail*)

FROM: Paula Foley, Assistant General Counsel
Jesse Reyes, Hearing Officer

RE: FCC's Interim Rules Order

DATE: August 23, 2004

CC: Mary L. Cottrell, Secretary

On August 20, 2004, the Federal Communications Commission ("FCC") released In the Matter of Unbundled Access to Network Elements, WC Docket No. 04-313; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338; Order and Notice of Proposed Rulemaking, FCC 04-179 (rel. August 20, 2004) ("Interim Rules Order"). In the Interim Rules Order at ¶ 15, the FCC encouraged state commissions to file summaries of state TRO¹ proceedings (including information on batch hot cut processes), highlighting factual information that would be relevant to the FCC under the

¹ Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket 96-98; Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147; Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, FCC 01-36 (rel. Aug. 21, 2003) ("TRO"), vacated and remanded in part, aff'd in part, United States Telecom Association v. FCC, 359 F.3d 554 (D.C. Cir. 2004) ("USTA II").

Procedural Memorandum re: FCC's Interim Rules Order
August 23, 2004

guidance provided by USTA II. In addition, the FCC encouraged state commissions and the parties participating in state proceedings to "coordinate with one another regarding the filing of that information." Id. To that end, the Department requests that the parties to D.T.E. 03-60 attempt to reach consensus on the factual information assembled as part of the Department's D.T.E. 03-60 proceeding to be forwarded to the FCC.

Parties are encouraged to confer with each other and to provide the Department with a joint statement proposing the summary or summaries of the data to be submitted to the FCC. Responses will be due by 5:00 p.m. on Monday, September 13, 2004.

If you have any questions, please contact Paula Foley at (617) 305-3608 or Jesse Reyes at (617) 305-3735.